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26 *Attorneys for Defendants ASUSTeK Computer Inc.*  
27 *and ASUS Computer International*  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

KONINKLIJKE PHILIPS N.V.,  
U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

ASUSTEK COMPUTER INC.,  
ASUS COMPUTER INTERNATIONAL,

Defendants.

Case No. 4:18-cv-01886-HSG

**DECLARATION OF MICHAEL J.  
NEWTON REGARDING PLAINTIFFS'  
AMENDED ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

MICROSOFT CORPORATION,

Intervenor-Plaintiff,

v.

KONINKLIJKE PHILIPS N.V.,  
U.S. PHILIPS CORPORATION,

Intervenor-Defendants.

Judge: Hon. Haywood S. Gilliam, Jr.  
Court: Courtroom 2

KONINKLIJKE PHILIPS N.V.,  
U.S. PHILIPS CORPORATION,

Intervenor-  
Defendants/Counterclaim  
Plaintiffs in Intervention

v.

MICROSOFT CORPORATION

Intervenor-  
Plaintiff/Counterclaim  
Defendant in Intervention

AND

MICROSOFT MOBILE INC.

Counterclaim Defendant  
in Intervention

1 I, Michael J. Newton, hereby declare as follows:

2 1. I am an partner with the law firm of Alston & Bird LLP, counsel for Defendants  
3 ASUSTeK Computer Inc. (“ASUSTeK”) and ASUS Computer International (“ACI”) (collectively,  
4 “ASUS”) in the above-captioned action. I am a member in good standing of the State Bars of  
5 California and Texas and am admitted to practice before this Court. I have personal knowledge of  
6 the facts set forth in this declaration, and if called as a witness, I could and would testify competently  
7 thereto.

8 2. I submit this declaration pursuant to L.R. 79-5(d)(1)(A) and 79-5(e)(1) in support of  
9 Plaintiff’s Amended Administrative Motion to File Under Seal. (Dkt. No. 407.)

10 3. Attached to Plaintiff’s Amended Administrative Motion to File Under Seal is a  
11 redacted version of Plaintiff’s Notice of Motion and Motion to Partially Consolidate Certain Matters  
12 for Trial and Memorandum of Points and Authorities. (Dkt. No. 407-3.) The redactions on pages 3,  
13 10–12, 20–21, 24, and 25 contain or refer to information designated by ASUS as “Highly  
14 Confidential – Outside Counsel Only” pursuant to the Protective Order entered in this case because  
15 they contain references to ASUS’s confidential business information and technical product  
16 configuration relating to the ASUS products accused of infringement in this action.

17 4. This information identified above is not available to the public, and given the highly  
18 competitive nature of the computer industry, ASUS would likely be harmed by the public disclosure  
19 of this proprietary information because it would give ASUS’s competitors a window into ASUS’s  
20 confidential business, technical, and production information.

21

22 I declare penalty of perjury under the laws of the United States of America that, to the best of  
23 my knowledge and belief, the foregoing is true and correct.

24

25 Executed in Dallas, Texas, this 3rd day of August, 2018.

26

27 /s/ Michael J. Newton  
Michael J. Newton

28

**CERTIFICATE OF SERVICE**

I, Michael J. Newton, certify and declare as follow:

1. I am over the age of 18 and not a party to this action.
2. My business address is 2828 North Harwood Street, Suite 1800, Dallas, Texas 75201.
3. On August 3, 2018, I caused a copy of **DECLARATION OF MICHAEL J. NEWTON REGARDING PLAINTIFF'S AMENDED ADMINISTRATIVE MOTION TO FILE UNDER SEAL** to be served upon all counsel of record in this case via e-mail.

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct. Executed on the 3rd day of August, 2018, in Dallas, Texas.

/s/ Michael J. Newton

Michael J. Newton